

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

ANNAMARIE D. RIETHMILLER,

Plaintiff,

v.

ELECTORS FOR THE STATE OF NEW  
JERSEY,

Defendants.

Civil Action  
No. 12-6109 (JBS-KMW)

**MEMORANDUM OPINION**

**SIMANDLE**, Chief Judge:

This matter comes before the Court on an initial screening pursuant to 28 U.S.C. § 1915(e) of pro se Plaintiff Annamarie Riethmiller's Complaint against Defendants Electors for the State of New Jersey [Docket Item 1] alleging that President Barack Obama is ineligible to hold office. Because Plaintiff's claims are frivolous, the Complaint will be dismissed with prejudice. The Court finds as follows:

1. The Court has reviewed Plaintiff's Affidavit of Indigency. [Docket Item 1-1.] Because the Affidavit discloses that Plaintiff is indigent, the Court will permit the Complaint to be filed without prepayment of fees, pursuant to 28 U.S.C. § 1915(a).

2. Section 1915 requires the Court to preliminarily review each complaint filed in forma pauperis and to "dismiss the case at any time if the court determines that . . . the

action . . . (i) is frivolous or malicious; [or] (ii) fails to state a claim on which relief may be granted . . . ." 28 U.S.C. § 1915(e)(2)(B).

3. A complaint is frivolous if it "lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989) (interpreting 1915(e)(2)'s predecessor, the former § 1915(d)). The standard for evaluating whether a complaint is frivolous is an objective one. Deutsch v. United States, 67 F.3d 1080, 1086-87 (3d Cir. 1995).

4. Plaintiff seeks "a declaratory order that the 2012 Presidential Candidate nominee by the Democrat party, Barack Hussein Obama, is ineligible to be a candidate" and a court order directing the "State Electors to refrain from placing Obama on the ballot."<sup>1</sup> (Compl. at 2 ¶ 1-2.) She argues that "Obama through his conduct prior to and during his presidency renders himself ineligible as candidate for re-election in terms of the Constitution of the United States of America." (Compl. at 2 ¶ 2.) She seeks use of the Court's subpoena power to determine whether Obama is a natural born citizen. (Compl. at 2 ¶ 3.) Plaintiff asks the Court to declare this matter complex and to appoint counsel. (Compl. at 3 ¶ 5.)

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<sup>1</sup> Plaintiff filed this Complaint before the 2012 Presidential election.

5. Plaintiff discusses several core issues: (1) violations of her rights as an individual, an American citizen, and a woman; (2) President Obama's failure to abide by the Constitution and the laws of the United States; (3) her divorce proceedings that occurred in Florida state court and that were influenced by corrupt government officials; and (4) a psychiatrist operating in Florida without a proper license.

6. Plaintiff asserts that she has "suffered extreme violations of individual, human rights and women's rights abuses at the hands of the Obama regime over a prolonged period of time." (Pl. Aff. at 5 ¶ 4.)<sup>2</sup> She claims that government officials are "guilty of treason" and show "extreme lack of integrity." (Pl. Aff. at 5 ¶ 7.) Plaintiff asserts, "This court, the Rule keepers, must with honesty and integrity compare [Obama's] conduct against the rules and tell us if Obama broke the rules and made himself ineligible as a candidate for 'we the people's' top job." (Pl. Aff. at 5-6 ¶ 9.)

7. It appears that Plaintiff has purported to file this action on behalf of multiple "Petitioners," but the Court cannot determine the identities of the other petitioners. For example,

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<sup>2</sup> Plaintiff has included as part of the Complaint an affidavit entitled "AFFIDAVIT OF ANNAMARIE (? LAST NAME UNCERTAIN) IN SUPPORT OF AN EMERGENCY INTERDICT TO PREVENT THE STATE MENTIONED AT THE HEADING HEREOF FROM ALLOWING BARAK [SIC] HUSSEIN OBAMA AS CANDIDATE IN THE NOVEMBER 2012 ELECTION IN THE SAID STATE AND TO TAKE ACTION AGAINST CRIME."

the Complaint states that "Petitioners Two to Six Hundred and Twenty - the list are case numbers, all related to Mental Health cases decided in the 12th Judicial Circuit Court, in and for Manatee County, Florida." (Pl. Aff. at 1.) Plaintiff explains that these mental health cases "are cases in which the evidence of a psychiatrist was relied on at a time that the psychiatrist practiced with a Florida medical license issued by the Florida Department of Health which made the fraudulent allegation that she was certified by the American Board of Psychiatry and Neurology which she was not . . . ." (Compl. at 1.) Plaintiff claims that these Petitioners are "all people deprived of their fundamental rights protected through the Supremacy Clause of the United States of America for which Obama and his regime has shown no respect whatsoever." (Pl. Aff. at 12-13 ¶ 36.) Plaintiff asserts that "Obama has harmed the Petitioners by violating his oath to the Constitution of the United States of America." (Pl. Aff. at 13 ¶ 37.) Plaintiff offers no clue of how the presidency is connected to the practice of an unlicensed Florida psychiatrist.

8. Plaintiff's Complaint and Affidavit [Docket Item 1] are 52 pages long and Plaintiff also attached a 13-page exhibit [Docket Item 2]. These documents are confusing and unclear. For example, Plaintiff states,

But for Obama and the illegal conduct of Moody (appointed by Obama's friend Bill Clinton) who seized 8:10CV1763-T-27TGW, now SC11-5659 at a time Whittemore had already sent out pre-trial notices for a jury trial to hold Ezell and Gilner (amongst others) accountable for violating the Constitution of the United States of America and, and Moody, ignoring the laws and rules of appointment of judges to Federal cases, summarily dismissed the matter.

(Pl. Aff. at 13 ¶ 38.) It appears that Plaintiff is complaining about litigation in courts in Florida. The United States District Court for the District of New Jersey does not review cases from Florida or anywhere else.

9. Plaintiff also references a government official's "hi-jacking" of her divorce proceedings in Florida. (Pl. Aff. at 14 ¶ 44.) She extensively discusses crimes committed by a psychiatrist who was practicing with a fraudulent license and who treated her husband. (Pl. Aff. at 20 ¶ 66.) This Court does not oversee the licensing of psychiatrists in Florida or anywhere else.

10. Plaintiff compares Obama to Hitler, discusses Obama's use of cocaine, questions Obama's commitment to Christianity, and describes the fall of apartheid in South Africa. (Pl. Aff. at 32, 39, 43.) Plaintiff invokes the Supremacy Clause,

international treaties, the Constitutions of the United States and Florida, and other legislation. (Pl. Aff. at 47.)<sup>3</sup>

11. The Court now turns to its analysis under 28 U.S.C. § 1915(e)(2)(B), supra. This action must be dismissed with prejudice because Plaintiff lacks standing.

12. Federal courts are courts of limited jurisdiction and may only consider those actions that meet the case-or-controversy requirements of Article III. Essential to Article III jurisdiction is the doctrine of standing. Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc., 528 U.S. 167, 180 (2000). To meet the minimal constitutional mandate for Article III standing Plaintiffs must show (1) an "injury in fact," (2) "a causal connection between the injury and the conduct complained of-the injury has to be fairly traceable to the challenged action of the defendant" and (3) that the injury

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<sup>3</sup> Plaintiff has filed other actions in other states making these same claims. See e.g., Annamarie Last Name Uncertain v. Electors ex rel. Montana, CV 12-164-M-DLC-JCL, 2012 WL 5879607, at \*2 (D. Mont. Oct. 17, 2012) report and recommendation adopted, CV 12-164-M-DLC-JCL, 2012 WL 5879606 (D. Mont. Nov. 21, 2012) (dismissing action as frivolous because Reithmiller's "claims are fanciful, delusional, or fantastic. Her allegations are irrational and wholly incredible.") The Montana court also noted twenty-nine other cases, including the present action, in which Riethmiller had sued the electors of other states. Id. at 3.

will "likely" be "redressed by a favorable decision." Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992).

13. Plaintiff's Complaint contains numerous allegations about President Obama, government officials in Florida, and a psychiatrist in Florida. But Plaintiff does not explain a causal connection between the Defendants in this action, i.e., the Electors for the State of New Jersey, and the complained-of conduct; nor does she explain how a favorable decision will redress her injuries.

14. In addition, an injury in fact must be concrete and particularized. Lujan, 504 U.S. at 560. Plaintiff cannot raise claims that "would be shared by all the American people." Kerchner v. Obama, 669 F. Supp. 2d 477, 482 (D.N.J. 2009), aff'd, 612 F.3d 204 (3d Cir. 2010) (dismissing case for lack of Article III standing because claim that President Obama is an illegitimate President and not a natural born citizen is a generalized grievance and it is a determination assigned to the legislative branch under the Constitution). Essentially, Reithmiller does not present particularized grievances: "The relief Plaintiff seeks by having Obama removed from the ballot no more directly and tangibly benefits her than it does the public at large." Annamarie ? Last Name Uncertain v. Electors

for Kentucky, 3:12CV-602-H, 2012 WL 5398565, at \*2 (W.D. Ky.  
Nov. 5, 2012).

15. Plaintiff's Complaint will be dismissed as frivolous because Plaintiff lacks Article III standing. Alternatively, to the extent Plaintiff seeks relief with regard to mental health treatment or litigation in Florida, this Court lacks jurisdiction and these named Defendants, the Electors for the State of New Jersey, have no connection to such claims. The accompanying Order will be entered.

April 10, 2013

Date

s/ Jerome B. Simandle

JEROME B. SIMANDLE

Chief U.S. District Judge